



UNITED STATES
PATENT AND
TRADEMARK OFFICE

DEC 10 2002

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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In re Application of :
David P. Martin et al :
Application Serial No. 09/591,739 : PETITION DESICION
Filed: June 12, 2000 :
Attorney Docket No.: MBX 012 CON :

This is in response to applicants' petition filed October 8, 2002, requesting withdraw holding of abandonment under 37 CFR 1.181(a).

On February 20, 2002, an Office action was mailed to applicant. On October 1, 2002, a Notice of Abandonment for failure to timely file a reply to the Office action dated February 20, 2002. On October 8, 2002, the present petition was filed. Applicants assert that a Response was timely filed on May 20, 2002. The petition was accompanied with: a copy of the Response and a copy of the auto-reply fax transmission for the USPTO indicating that applicants' May 20, 2002 Response had been received.

Review of evidence and applicants' statement shows that a response was timely filed. Accordingly, the petition is Granted.

The application has been returned to pending status and is being forwarded to examiner for consideration of the response after mailing of this letter.

Should there be any questions with respect to this decision, please contact Cecilia Tsang, by mail addressed to: Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703) 308-0254 or by facsimile transmission at (703) 305-7230.

Cecilia Tsang Jr

Jasemine C. Chambers
Director, Technology Center 1600